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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,084	03/24/2005	Steven Martin Hudson	046812/289215	1826

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EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

10

Office Action Summary	Application No. 10/529,084	Applicant(s) HUDSON, STEVEN MARTIN	
	Examiner Timothy Edwards, Jr.	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-105 is/are pending in the application.
- 4a) Of the above claim(s) 1-52 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 102 is/are allowed.
- 6) ☒ Claim(s) 53,56-59,62,63,65-75,77,80,81,84-99 and 103-105 is/are rejected.
- 7) ☒ Claim(s) 54,55,60,61,64,76,78,79,82,83,100 and 101 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1. ☒ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 95 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 95 depend on claim 94 and recites the same limitations as claim 94.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 77,99 and 104 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner is unclear of the phrase "the mean number of pulses per associated pattern of pulses."

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 53,56-59,62,63,65-75,77,80,81,84-97,99,103-105 are rejected under 35 U.S.C. 102(b) as being anticipated by Troy '403.

Considering claim 53, Troy discloses a energy conserving method comprising, a) transmitting at least signal during a period to transmit the set of data (see col 2, lines 44-54); b) selecting the time of transmission of the one signal (see col 3, lines 53-62 and col 7, lines 47-59); c) representing some of the data to be transmitted in terms of the time of transmission (see col 4, lines 3-7.

Considering claims 56,84 Troy discloses the limitation of this claim (see col 4, lines 44-52).

Considering claims 57,85 Troy discloses the limitation of this claim (see figs 1-4).

Considering claim 58, Troy discloses the limitation of this claim (see col 4, lines 8-13).

Considering claim 59, Troy discloses the limitation of this claim (see col 5, lines 30-41).

Considering claim 62, Troy discloses the limitation of this claim (see col 4, lines 8-13).

Considering claim 63, Troy discloses the limitation of this claim (see col 2, lines 40-43).

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Considering claims 65,66,86,87 Troy discloses the limitations of these claims (see col 4, lines 53-62).

Considering claims 67,88 Troy discloses the limitation of this claim (see col 6, lines 1-8 and fig 5).

Considering claims 68,89 Troy discloses the limitation of this claim (see col 2, lines 44-49).

Considering claims 69,90 Troy discloses the limitation of this claim (see col 2, lines 44-60).

Considering claims 70,91 Troy discloses the limitation of this claim (see col 4, lines 8-13).

Considering claims 71,72,92,93 Troy discloses the limitations of these claims (see col 5, lines 30-41 and fig 5).

Considering claims 73,94,95 Troy discloses the limitation of this claim (see col 2, lines 44-49).

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Considering claims 74,96 Troy discloses the limitation of this claim (see col 8, lines 41-48).

Considering claims 75,97 Troy discloses the limitation of this claim (see col 8, lines 35-44).

Considering claims 77,98,99,104 Troy discloses the limitation of this claim (see col 6, lines 24-32).

Considering claims 80,105 the limitations of these claims are interpreted and rejected as stated in claim 53.

Considering claim 81, Troy discloses the limitation of this claim (see col 6, lines 33-35).

Considering claim 103, Troy discloses the limitation of this claim (see col 9, lines 1-3).

Allowable Subject Matter

3. Claims 102 allowed.

4. Claims (54,82), (55,83), 60,64,76, (78,100) objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including

all of the limitations of the base claim and any intervening claims. Claims 61,79 and 101 are objected to because of their dependents on objected to claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Esfahani et al '248 disclose a power reducing method for a downhole transmitter.

Any inquiry concerning this communication should be directed to Examiner Timothy Edwards, Jr. at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman, can be reached at (571) 272-3059.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be fax to:

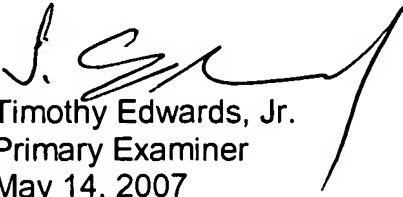
(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy Edwards, Jr.
Primary Examiner
May 14, 2007